IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.15378 of 2006

Between:

Dasari Ganganna.

..... PETITIONER

AND

1.The Election Commission,
Budha Bhavan, 3rd floor,
M.G.Road, Secunderabad, and 3 others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.15378 of 2006

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring (1) the proceedings No.Ref.A/712-48/2006

dt.22-07-2006 of the 3rd respondent (2) and the action of the

fourth respondent in rejecting the petitioner's nomination for Sarpanch of Thalapalli Gram Panchayat, Vempalli Mandal, Kadapa District to contest in the elections scheduled to be held on 06-08-2006 as illegal, arbitrary, in violation of principles of natural justice and contrary to Section 19(2)(i) of A.P.Panchayat Raj Act, 1994, and in violation of Article 14 of the Constitution of India and consequently direct the respondents to accept the petitioner's nomination and to contest the elections scheduled to be held on 06-08-2006 for Thalapalli Gram Panchayat, Vempalli Mandal, Kadapa District.

Petitioner filed his nomination for the post of Sarpanch of Thallepalli Gram Panchayat to contest in the elections scheduled to be held on 06-08-2006. His grievance is that his nomination was rejected by the fourth respondent on the ground that he did not pay the house tax, though, he does not own a house at all. Even otherwise, no notice had been served in relation to the demand of house tax.

It is needless to say that these are all disputed questions of fact, which cannot be gone into by this Court at this stage. However, the petitioner is having

an efficacious alternative remedy by way of election petition. Liberty is given to the petitioner to approach the Election Tribunal, if he is so advised.

With the above observation, the Writ Petition is disposed of. No order as to costs.

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31st July, 2006

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